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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,649	04/16/2001	Shane D. Meyer	12084	3685
20686	7590	04/30/2004	EXAMINER	
DORSEY & WHITNEY, LLP INTELLECTUAL PROPERTY DEPARTMENT 370 SEVENTEENTH STREET SUITE 4700 DENVER, CO 80202-5647			RAMPURIA, SHARAD K	
			ART UNIT	PAPER NUMBER
			2683	7
DATE MAILED: 04/30/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/834,649

Applicant(s)

MEYER ET AL

Examiner

Sharad K. Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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***Response to Amendment***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maxwell, Mankowitz, Herz et al., Baker, Malackowski et al., Haymel et al.

The "main.c" (Exhibit A) filed on May 1, 1999 under 37 CFR 1.131 is sufficient to overcome the Chern et al. reference.

Applicant's arguments with respect to claims 1-28, have been considered but are moot in view of the new ground(s) of rejection.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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Claims 1-4, 7, 9-10, 12-18, 21, 23-24, 26-28, are rejected under 35 U.S.C. 102 (e) as being anticipated by Helferich.

1. Regarding claim 1, Helferich disclosed A method for providing a response to a request

(abstract) from a wireless device comprising:

receiving a request from a wireless device associated with a particular user; (reply message for the specific recipient; pg.2; 0021)

retrieving data for responding to the request; (reply message for the specific recipient; pg.2; 0021)

determining that secondary data exists for the user; (based on temperature...includes an advertisement; pg.5; 0046)

associating the retrieved data with an indication of the secondary data to generate a response; and transmitting the response to the wireless device. (pg.5; 0046)

2. Regarding claim 2, Helferich disclosed The method of claim 1 wherein the associating step includes:

generating a data stream containing the retrieved data and the secondary data; (based on temperature...includes an advertisement; pg.5; 0046)

and formatting the data stream for transmission to the wireless device. (Message...filtered based on location of the mobile; pg.5; 0046)

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3. Regarding claim 3, Helferich disclosed The method of claim 1 wherein the determining step includes:

obtaining an identifier for the user; (MIN; pg.1; 0016) and

performing at least one task related to the user's identifier. (based on temperature...includes an advertisement; pg.5; 0046)

4. Regarding claim 4, Helferich disclosed The method of claim 1 wherein the retrieving step includes sending data for the request to a process that can respond to commands and data for generating a response to the request. (reply message for the specific recipient; pg.2; 0021)

7. Regarding claim 7, Helferich disclosed The method of claim 1 wherein the associating step includes providing within the response a first indication identifying the retrieved data (based on temperature; pg.5; 0046) and a second indication identifying the secondary data. (includes an advertisement...super store; pg.5; 0046)

9. Regarding claim 9, Helferich disclosed A method for processing and presenting via a wireless device a response to a request (abstract), comprising:

transmitting from a wireless device a request associated with a particular user; (reply message for the specific recipient; pg.2; 0021)

receiving a response to the request; (reply message for the specific recipient; pg.2; 0021)

determining that the response includes data for responding to the request and an indication of

secondary data for the user; (based on temperature...includes an advertisement; pg.5; 0046) and

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presenting the response including an indication of the secondary data. (pg.5; 0046)

10. Regarding claim 10, Helferich disclosed The method of claim 9 wherein the receiving step includes receiving a data stream having the secondary data encoded with data for the request.

(includes an advertisement...super store; pg.5; 0046)

12. Regarding claim 12, Helferich disclosed The method of claim 9 wherein the transmitting step includes using a browser program to format the request for wireless network transmission.

(browser; pg.1; 0014 & pg.5; 0046)

13. Regarding claim 13, Helferich disclosed The method of claim 9 wherein the presenting step includes providing a visual indication of the response including the secondary data. (includes an

advertisement...super store; pg.5; 0046)

14. Regarding claim 14, Helferich disclosed The method of claim 9 wherein the presenting step includes providing an audible indication of the response including the secondary data. (audio;

pg.1; 0003-0004)

15. Regarding claim 15, Helferich disclosed An apparatus for providing a response to a request (abstract) from a wireless device, comprising:

a receive module for receiving a request from a wireless device associated with a particular user;

(reply message for the specific recipient; pg.2; 0021)

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a retrieve module for retrieving data for responding to the request; (reply message for the specific recipient; pg.2; 0021)

a determine module for determining that secondary data exists for the user; (based on temperature...includes an advertisement; pg.5; 0046)

an associate module for associating the retrieved data with an indication of the secondary data to generate a response; (based on temperature...includes an advertisement; pg.5; 0046) and a transmit module for transmitting the response to the wireless device. (pg.5; 0046)

16. Regarding claim 16, Helferich disclosed The apparatus of claim 15 wherein the associate module includes:

a module for generating a data stream containing the retrieved data (based on temperature...includes an advertisement; pg.5; 0046) and the secondary data; and a module for formatting the data stream for transmission to the wireless device. (Message...filtered based on location of the mobile; pg.5; 0046)

17. Regarding claim 17, Helferich disclosed The apparatus of claim 15 wherein the determine module includes:

a module for obtaining an identifier for the user; (reply message for the specific recipient; pg.2; 0021) and

a module for performing at least one task related to the user's identifier. (reply message for the specific recipient; pg.2; 0021)

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18. Regarding claim 18, Helferich disclosed The apparatus of claim 15 wherein the retrieve module includes a module for sending data for the request to a process that can respond to commands and data for generating a response to the request. (includes an advertisement...super store; pg.5; 0046)

21. Regarding claim 21, Helferich disclosed The apparatus of claim 15 wherein the associating step includes providing within the response a first indication identifying the retrieved data (based on temperature; pg.5; 0046) and a second indication identifying the secondary data. (includes an advertisement...super store; pg.5; 0046)

23. Regarding claim 23, Helferich disclosed An apparatus for processing and presenting via a wireless device a response to a request, (abstract) comprising:

a transmit module for transmitting from a wireless device a request associated with a particular user; (reply message for the specific recipient; pg.2; 0021)

a receive module for receiving a response to the request; (reply message for the specific recipient; pg.2; 0021)

a determine module for determining that the response includes data for responding to the request and an indication of secondary data for the user; (based on temperature...includes an advertisement; pg.5; 0046) and

a presentation module for presenting the response including an indication of the secondary data. (pg.5; 0046)



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24. Regarding claim 24, Helferich disclosed The apparatus of claim 23 wherein the associating step includes providing within the response a first indication identifying the retrieved data (based on temperature; pg.5; 0046) and a second indication identifying the secondary data. (includes an advertisement...super store; pg.5; 0046)

26. Regarding claim 26, Helferich disclosed The apparatus of claim 23 wherein the transmit module includes a module for using a browser program to format the request for wireless network transmission. (browser; pg.1; 0014 & pg.5; 0046)

27. Regarding claim 27, Helferich disclosed The apparatus of claim 23 wherein the presentation module includes a module for providing a visual indication of the response including the secondary data. (includes an advertisement...super store; pg.5; 0046)

28. Regarding claim 28, Helferich disclosed The apparatus of claim 23 wherein the presentation module includes a module for providing an audible indication of the response including the secondary data. (audio; pg.1; 0003-0004)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject

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matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6, 8, 11, 19-20, 22 & 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helferich et al. in view of Bossemeyer, JR. et al.

5. Regarding claim 5, Helferich disclosed all the particulars of the claim except checking a status of flags associated with the user. However, Bossemeyer teaches in an analogous art, that The method of claim 1 wherein the determining step includes checking a status of flags associated with the user to determine if the status indicates existence of the secondary data. (pg.2; 0020 & 0026) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include checking a status of flags associated with the user in order to provide message notification.

6. Regarding claim 6, Helferich disclosed all the particulars of the claim except status of flags. However, Bossemeyer teaches in an analogous art, that The method of claim 5, further including updating the status of the flags. (pg.2; 0020 & 0026) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include status of flags in order to provide message notification.

19. Regarding claim 19, Helferich disclosed all the particulars of the claim except checking a status of flags associated with the user. However, Bossemeyer teaches in an analogous art, that The apparatus of claim 15 wherein the determine module includes a module for checking a status

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of flags associated with the user to determine if the status indicates existence of the secondary data. (pg.2; 0020 & 0026) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include checking a status of flags associated with the user in order to provide message notification.

20. Regarding claim 20, Helferich disclosed all the particulars of the claim except status of flags. However, Bossemeyer teaches in an analogous art, that The apparatus of claim 19, further including a module for updating the status of the flags. (pg.2; 0020 & 0026) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include checking a status of flags associated with the user in order to provide message notification.

8. Regarding claim 8, Helferich disclosed The method of claim 1, further including: receiving secondary data for the user; (particular type of businesses; col.6; 13-34) saving and associating the received secondary data with the user; (col.11; 21-47) and

Helferich fails to disclosed an indication. However, Bossemeyer teaches in an analogous art, that a module for providing an indication of the existence of the saved secondary data. (pg.2; 0020 & 0026) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include an indication in order to provide message notification.

22. Regarding claim 22, Helferich disclosed The apparatus of claim 15, further including: a module for receiving secondary data for the user; (particular type of businesses; col.6; 13-34) a module for saving and associating the received secondary data with the user; (col.11; 21-47)

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Helferich fails to disclosed an indication. However, Bossemeyer teaches in an analogous art, that a module for providing an indication of the existence of the saved secondary data. (pg.2; 0020 & 0026) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include an indication in order to provide message notification.

11. Regarding claim 11, Helferich disclosed all the particulars of the claim except an indication. However, Bossemeyer teaches in an analogous art, that The method of claim 10 wherein the determining step includes parsing the data stream to detect the indication of the secondary data. (pg.2; 0020 & 0026) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include an indication in order to provide message notification.

25. Regarding claim 25, Helferich disclosed all the particulars of the claim except an indication. However, Bossemeyer teaches in an analogous art, that The apparatus of claim 24 wherein the determine module includes a module for parsing the data stream to detect the indication of the secondary data. (pg.2; 0020 & 0026) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include an indication in order to provide message notification.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736.

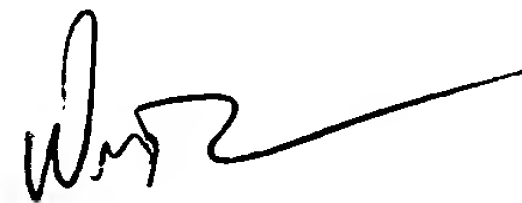
The examiner can normally be reached on Mon-Fri. (9:00-5:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Sharad Rampuria  
April 27, 2004



WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600